

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN LANGLEY,

Plaintiff,

v.

No. Civ. 1:23-745 JB/KRS

KILOLO KIJAKAZI,

Acting Commissioner of Social Security Administration,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed a Complaint on September 5, 2023, appealing the final decision of the Social Security Administration. (Doc. 1). On September 6, 2023, the Court set a briefing schedule and ordered Plaintiff to file a Motion to Reverse or Remand Administrative Agency Decision within thirty (30) days after the Commissioner files the Administrative Record. (Doc. 5). The Commissioner filed the Administrative Record on November 6, 2023, (Doc. 14), so Plaintiff's brief was due thirty days later—on December 6, 2023. Plaintiff has neither filed a Motion to Remand nor requested an extension of time to do so. A district court has inherent power to dismiss a case *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS THEREFORE ORDERED that **on or before January 4, 2024**, Plaintiff shall either file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file a response to this Order showing cause why this case should not be dismissed without prejudice for failure to prosecute.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE